

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNITED STATES OF AMERICA §
§
§
vs. § No. 4:07-CR-69
§
§
§
ROGER DE LA PLATA §

MEMORANDUM ORDER

The court referred the petition alleging violation of supervised release to United States Magistrate Judge Chad Everingham, at Sherman, Texas, for consideration pursuant to applicable laws and orders of this court. The court received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, defendant, defense counsel and counsel for the government, each signed a standard form waiving their right to object to the proposed findings and recommendations contained in the magistrate judge's report, consenting to revocation of supervised release and imposition of the sentence recommended therein, and defendant waived his right to be present with counsel and speak at sentencing.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that the defendant's plea of true to the Grade C allegations as set forth in the government's petition be **ACCEPTED**. Based upon the defendant's plea of true to the Grade C allegations, the court finds that the defendant violated the conditions of his supervised release. It is further

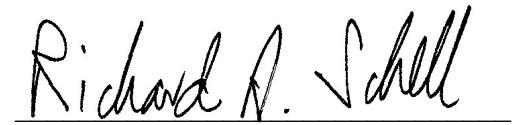
ORDERED that the defendant's supervised release be **REVOKE**D. Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

It is further

ORDERED that the defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten months, with no term of supervised release to follow such term of imprisonment. It is further

REQUESTED that the Bureau of Prisons place the defendant in its Fort Worth, Texas, facilities during the period of his confinement.

SIGNED this the 20th day of June, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE

